

Message Text

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E.O. 11652: N/A
TAGS: SHUM, CGEN, PFOR, BU (MAREVA, RUMYANA AND YORDANKA)
SUBJECT: BULGARIAN LAW APPLICABLE TO MAREV CASE COURT HEARING

REF: A) SOFIA 0693; B) STATE 073277

1. PER PARAGRAPH 2 REF A, EMBASSY REVIEWED WITH LOCAL LAWYER
ANNOUNCEMENT IN DURZHAVEN VESTNIK (GOVERNMENT GAZETTE) OF
MARCH 29 CONCERNING HEARING IN VARNA PEOPLE'S COURT ON
WITHDRAWAL OF PARENTAL RIGHTS OF SPAS AND IVANKA MAREV.
(NOTE CORRECT TRANSLATION IS PEOPLE'S COURT AND NOT DISTRICT
COURT.)

2. ANNOUNCEMENT IN GAZETTE FULFILLS LEGAL REQUIREMENT UNDER
ARTICLE 50, PARAGRAPH 1 OF BULGARIAN CIVIL CRIMINAL CODE
THAT FOR DEFENDANTS RESIDING OUTSIDE AREA OF COURT'S JURIS-
DICTION AN ANNOUNCEMENT MUST BE PRINTED IN THE GAZETTE AT
LEAST ONE MONTH BEFORE THE COURT HEARING.

3. LOCAL LAWYER INTERPRETS LAST SENTENCE OF ANNOUNCEMENT
ABOUT TRYING CASE UNDER TERMS OF ARTICLE 50, PARAGRAPH 2
OF THE CRIMINAL CODE AS MEANING THAT COURT WILL APPOINT
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DEFENSE ATTORNEY FOR MAREVS IF THEY DO NOT APPEAR IN COURT
OR DO NOT HIRE OWN LAWYER TO REPRESENT THEM.

4. FOLLOWING IS COMPLETE TRANSLATION OF ARTICLE 63 OF
BULGARIAN FAMILY CODE (1975) WHICH APPLIES TO WITHDRAWAL OF
PARENTAL RIGHTS:

"WHEN THE PARENT'S CONDUCT IS DANGEROUS TO THE PERSON, UPBRINGING, HEALTH OR PROPERTY OF THE CHILD, THE PEOPLE'S COURT OFFICIALLY, OR ACTING AT THE REQUEST OF THE PROSECUTOR OR THE SECOND PARENT, TAKES APPROPRIATE MEASURES IN THE INTEREST OF THE CHILD, AND, IF NECESSARY, PLACES THE CHILD IN AN APPROPRIATE DOMICILE.

"SIMILAR STEPS ARE ALSO UNDERTAKEN WHEN THE PARENT IS UNABLE TO EXERCISE HIS PARENTAL RIGHTS BECAUSE OF A CONTINUOUS PHYSICAL OR MENTAL AUB OR BECAUSE OF A PROLONGED ABSENCE OR FOR OTHER OBJECTIVE REASONS.

"IN PARTICULARLY SEVERE CASES REFERRED TO BY PARAGRAPH ONE THE PEOPLE'S COURT, SITTING AT AN OPEN HEARING WITH THE PARTICIPATION OF COURT ASSESSORS, AND HAVING HEARD THE PROSECUTOR, MAY DEPRIVE THE PARENT OF HIS PARENTAL RIGHTS.

"IN EVERY CASE, THE COURT ALSO SETS THE RULES FOR THE PERSONAL RELATIONS BETWEEN PARENTS AND CHILDREN."

5. ACCORDING TO LAWYER, COURT HEARING FOR WITHDRAWAL OF PARENTAL RIGHTS IS PRELIMINARY PROCEDURE FOR CREATION OF GUARDIANSHIP FOR CHILDREN. IF VARNA PEOPLE'S COURT DECIDES TO WITHDRAW PARENTAL RIGHTS OF MAREVS, THEN COURT WILL FORWARD NOTICE TO VARNA PEOPLE'S COUNCIL TO ESTABLISH GUARDIAN AND GUARDIAN COUNCIL UNDER ARTICLE 69 OF BULGARIAN FAMILY CODE (1975).

6. LOCAL LAWYER HESITANT ABOUT OFFERING LEGAL OPINION ON CONFIDENTIAL

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CASE UNTIL HE KNOWS CONTENTS OF PETITION TO COURT FILED BY VARNA OKRUG PROSECUTOR'S OFFICE. EMBASSY ACCEPTED LAWYER'S OFFER TO MAKE INFORMAL INQUIRY THROUGH COLLEAGUE IN VARNA TO LEARN SPECIFIC JUSTIFICATIONS CITED ON PETITION TO COURT FILED BY PROSECUTOR. LAWYER EXPECTS RESPONSE FROM VARNA COLLEAGUE IN ABOUT TWO WEEKS. (COMMENT: LAWYER NOT RPT NOT OPTIMISTIC THAT MAREVS IN VERY GOOD POSITION TO MAINTAIN PARENTAL RIGHTS DUE TO THEIR LENGTHY ABSENCE FROM BULGARIA AND SEPARATION FROM CHILDREN.)

7. MAREVS HAVE OPTION OF SECURING BULGARIAN LAWYER TO REPRESENT THEIR INTERESTS AT COURT HEARING, OUE LAWYER RECOMMENDED TWO POSSIBILITIES: A) THE LAW OFFICE FOR FOREIGN LEGAL MATTERS, 31 ALABIN ST., SOFIA, OR B) THE BULGARIAN UNION OF LAWYERS, VARNA (ADDRESS UNAVAILABLE. HOWEVER, LETTER ADDRESSED TO "COURTHOUSE, VARNA" SHOULD SUFFICE). IF INTERESTED, MAREVS SHOULD WRITE EITHER ADDRESS REQUESTING THEY BE ASSIGNED LAWYER TO REPRESENT THEIR INTERESTS IN CIVIL CASE NO. 353/1977 AT VARNA PEOPLE'S COURT ON MAY 20,

1977. THEY SHOULD PROVIDE BULGARIAN LAWYER WITH NOTARIZED (ONLY) POWER OF ATTORNEY TO REPRESENT THEIR INTERESTS IN CASE AND GIVE LAWYER THEIR CURRENT ADDRESS IN US, AS IT WILL BE NECESSARY FOR LAWYER TO INFORM COURT OF SPECIFIC ADDRESS. VARNA PEOPLE'S COURT WILL THEN COMMUNICATE INFORMATION ABOUT CASE TO MAREVS THROUGH THEIR LAWYER.

8. ON APRIL 12, MRS. MAREV'S BROTHER TELEPHONED EMBASSY FROM VARNA TO REQUEST MAREV INFORMED OF COURT HEARING AND TO OBTAIN THEIR CURRENT ADDRESS IN US, PRESUMABLY TO GIVE TO COURT. AS EMBASSY NOT SURE OF MAREVS' PRESENT ATTITUDE TOWARD INVOLVEMENT THIS RELATIVE OR THEIR INTENTIONS IN REGARD TO HEARING WE TOLD RELATIVE EMBASSY DOES NOT HAVE CURRENT ADDRESS, WHICH TRUE.
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